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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,264	03/05/2001	Carl H. Poppe	RHE1P004	3769
22434	7590	08/09/2004	EXAMINER	
BEYER WEAVER & THOMAS LLP P.O. BOX 778 BERKELEY, CA 94704-0778			BOCHNA, DAVID	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/800,264

Applicant(s)

POPPE, CARL H.

Examiner

David E. Bochna

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-36 and 40-52 is/are allowed.
- 6) ☒ Claim(s) 1,9,37-39,53 and 54 is/are rejected.
- 7) ☒ Claim(s) 2-8,10,55 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1-36 are objected to because of the following informalities:

Claims 1-36, it is unclear what is meant by the term "RAM". Applicant has stated that the term RAM is not an acronym and does not have any specific meaning. Therefore the word RAM should be removed from all the claims, as it make the claims unclear as to what is being claimed.

Claim 28, line 2, the phrase "a plurality to tube member each having" contains a grammatical error.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 9 and 37-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Wolf et al.

In regard to claims 1 and 9, Wolf et al. discloses a high pressure fluid fitting assembly for a fluid-tight coupling of a tube member, having a conduit 18, to a connector member 12 having a receiving port 14 each defined by an interior sealing wall 14 and a bottom end wall 68, and formed for sliding receipt of a corresponding tube member 18 until a distal end thereof seats

Art Unit: 3679

against the bottom end wall 68, the connector member further defining a passage 56 extending therethrough and terminating in a corresponding receiving port, the fitting assembly comprising:

a device 70 having a proximal surface (right side of 20) and an opposite distal surface (left side of 20) facing toward the connector member, and having an alignment passages 24 extending from the proximal face to the distal face for sliding receipt of a respective tube member 18 therethrough; and

a ferrule device 28, 38 each having a proximal tube engaging portion (interior of 28), an opposite distal sealing portion (interior of 39) and a tube receiving passage extending from the tube engaging portion to the sealing portion and formed for receipt of a respective tube member therethrough 18, each of the tube engaging portion being formed and dimensioned to contact a respective alignment wall 26 of the RAM device and each of the sealing portion 78 of the ferrule device being formed and dimensioned to contact a respective sealing wall 36 of the connector member such that when a compression force is increasingly applied to the RAM device in the direction toward the connector member, the respective alignment walls of the RAM device contact the tube engaging portions of the ferrule devices in a manner causing an interior gripping surface thereof to increasingly radially gripping the corresponding tube members for movement of the ferrule devices and the RAM device, as a unit, toward the connector member to increasingly urge the ferrule device sealing portions into fluid sealing engagement with the connector member sealing wall and to fluidly couple the tube member conduits to the corresponding connector member passage, and increasingly urge the distal end of the tube member into seated engagement with the bottom end wall of the connector member.

In regard to claim 9, the engaging portion includes at least one longitudinally extending

Art Unit: 3679

slot 58 to facilitate engagement with the tube member.

In regard to claim 37, Wolf et al. discloses a fluid fitting assembly for a fluid-tight coupling of a tube member, having a conduit, to a connector member having a receiving port defined by an interior sealing wall and formed for sliding receipt of the distal end of said tube member therein, said connector member further defining a passage extending therethrough and terminating in the receiving port, said fitting assembly comprising:

a RAM device having proximal surface and an opposite distal surface facing toward said connector member, and having an interior alignment wall defining an alignment passage extending from the proximal face to the distal face for sliding receipt of the tube member therethrough, and including a contacting wall tapering inwardly in a direction toward the proximal surface; and a ferrule device having a proximal tube engaging portion, an opposite distal sealing portion and a tube receiving passage extending from the tube engaging portion to the sealing portion and formed for receipt of the tube member therethrough, said tube engaging portion including a proximal contacting rim adapted to contact the inwardly tapered contacting wall of the RAM device and an interior gripping surface defining at least a portion of the tube receiving passage, and said sealing portion being formed and dimensioned to contact the connector member sealing wall such that when a compression force is increasingly applied to the RAM device in the direction toward the connector member, the RAM device alignment wall contacts the ferrule device tube engaging portion in manner increasingly causing the interior gripping surface to radially grip the tube member for movement of the ferrule device and the RAM device, as a unit, toward the connector member to increasingly urge the ferrule device

Art Unit: 3679

sealing portion into fluid sealing engagement with the connector member sealing wall and to fluidly couple the tube member conduit to the connector member passage.

In regard to claim 38, wherein said tube receiving passage of the ferrule device is defined by a substantially cylindrical interior wall, and said ferrule device further including:

a retention collar extending inwardly from said interior wall, and positioned proximate to the distal end of said sealing portion.

In regard to claim 39, wherein said engaging portion includes at least one longitudinally extending slot to facilitate engagement with said tube member.

4. Claims 53-54 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnston et al.

In regard to claim 53, Johnston et al. discloses a fluid fitting assembly for a fluid-tight coupling of a plurality of tube members, each having a conduit, to a connector member as a unit, the connector member having a plurality of receiving ports each defined by an interior sealing wall and formed for sliding receipt of a distal end of a corresponding tube member therein, the connector member further defining a plurality of passages each extending therethrough and terminating in a corresponding receiving port, the fitting assembly comprising:

a RAM device 40 having a proximal surface and an opposite distal surface facing toward the connector member, and having a plurality of alignment passages 42 extending from the proximal face to the distal face for sliding receipt of a respective tube member therethrough; and

a plurality of ferrule devices 66, 64 each having a proximal tube engaging portion 66, an opposite distal sealing portion 64 and a tube receiving passage extending from the tube engaging portion to the sealing portion and formed for receipt of a respective tube member therethrough, each of the tube engaging portion includes an interior gripping surface (interior of 64 or 66

Art Unit: 3679

which clamps down on the tube 18) defining at least a portion of the tube receiving passage proximate the tube engaging portion, being formed and dimensioned to contact a respective alignment wall 62 of the RAM device and each of the sealing portion of the ferrule device being formed and dimensioned to contact a respective sealing wall 60 of the connector member such that when a compression force is increasingly applied to the RAM device in the direction toward the connector member, the respective alignment walls of the RAM device contact the tube engaging portions of the ferrule devices in a manner increasingly radially gripping the corresponding tube members for movement of the ferrule devices and the RAM device, as a unit, toward the connector member to increasingly urge the ferrule device sealing portions into fluid sealing engagement with the connector member sealing wall and to fluidly couple the tube member conduits to the corresponding connector member passages.

In regard to claim 54, the sealing portion of the ferrule device 64 includes a sealing surface tapering inwardly toward the distal end thereof, and formed to increase the contact area with the connector member sealing wall as the compression force is increasingly applied.

Allowable Subject Matter

5. Claims 2-8, 10 and 55 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 11-36 and 40-52 are allowed.

Response to Arguments

7. Applicant's arguments with respect to claims 1, 9, 37-39 and 53-54 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (703) 306-9040. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (703) 308-1159. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 3679

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

A handwritten signature in black ink, appearing to read "David Bochna". The signature is fluid and cursive, with a long horizontal stroke at the end.

David Bochna
Primary Examiner
Art Unit 3679
July 29, 2004